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Federal Communications Commission
Office of Secretary

In the Matter of)

The Development of Operational,)
Technical, and Spectrum)
Requirements for Meeting)
Federal, State and Local Public)
Safety Agency Communication)
Requirements Through the)
Year 2010)

WT Docket No. 96-86

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To: The Commission

COMMENTS OF
NORTHERN CALIFORNIA CHAPTER OF THE ASSOCIATION OF
PUBLIC/SAFETY OFFICIALS, INC.

The Northern California Chapter of the Association of
Public/Safety Communications Officials-International, Inc.
hereby submits the following comments in response to the
Commission's Notice of Proposed Rule Making FCC 96-155 - WT
Docket No. 96-86.

INTRODUCTION

The Northern California Chapter of APCO was chartered in
1937. It has over 400 members representing all of the major
metropolitan areas of the region in addition to many of the
smaller counties, cities and districts. It is the recognized
Local Frequency Advisor for APCO. Monthly membership
meetings are held, and many of its members are also active in
APCO International committees and affairs. Several of the
Chapter's members have been actively involved in the PSWAC
effort, and have served on the various sub-committees.

APCO commends the Commission for the proactive role it
is taking in attempting to assist public safety in securing

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sorely needed additional channels and in developing rules and regulations for the use of both existing and new spectrum. The inquiries posed in this Docket are pertinent, and the Northern California Chapter is pleased to submit comments on a number of the issues.

In the Background of the Docket the Commission recognizes the current shortage of frequencies, as well as the fragmentation of systems that make interoperability very difficult. These issues, as well as several other related matters have been studied in depth by the PSWAC endeavor. The Chapter is pleased with the Final Report of PSWAC, and basically endorses their findings and recommendations. The Chapter will offer specific comments on some of the inquiries raised in the Docket as they particularly affect public safety in the Northern California area. These comments are not intended to conflict with the PSWAC Report, but rather to compliment and expand on certain issues.

SPECIFIC COMMENTS

In the Background of the Docket the Commission lists the public safety agencies as categorized in Part 90 of the FCC Rules and Regulation. It also lists the separate service of Special Emergency. The Chapter agrees with the concept of including all of these services in any proposed rules.

Paragraph 15 of the Docket lists the currently allocated public safety spectrum. The absence of the "T-Band" channels is a glaring omission. The San Francisco area has been granted the use of portion of Television Channels 16 and 17,

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and is greatly dependent upon these channels. Systems have been constructed on all available channels and are heavily used. Many of the channels are shared by two or more agencies. In addition, several channels in this portion of the spectrum allocated to other services have been acquired through waivers. Any consideration of rule changes must reflect this usage and protect these channels for public safety use. In fact, the Commission's current program for Advanced Television Systems - MM Docket No. 87-268 appears to pose a threat to the use of Channels 15 and 16 in the San Francisco area, and is presently the subject of other actions by the Chapter.

1. "Public Safety Definition"

The Docket indicates that the Commission is proposing to adopt the PSWAC definition. The Chapter endorses these definitions and supports the Commission's intent to adopt them.

2. Interoperability Needs

Three categories of the need for interoperability are listed. In general, the examples given are correct. The Chapter would emphasize that day-to-day requirements for interoperability, while perhaps not as spectacular as in major incidents, are extremely important. In fact, the total number of lives affected by these day-to-day incidents across the nation far outnumber those affected by a major incident. Rules should support and encourage interoperability between public safety agencies, and as necessary between Public

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Safety agencies, Public Safety Support Providers and Public Services.

3. Interoperability Options

The Chapter will comment on the listed options. First, relocating all public safety communications to a new band. This, on the surface would provide not only interoperability, but several additional advantages. In reality, this does not even appear to be an option. There is no apparent available spectrum, a lack of funding, difficulty of transition, and the probable unsuitability of the propagation characteristics a single portion of spectrum for all requirements. Together, these shortcomings suggest this approach is not worthy of further consideration

Multi-mode equipment is discussed, and while this has merit, it is fraught with numerous problems. It is true that modern technology offers many solutions, but cost and embedded base of single band equipment make this a very long term process. It would appear that no new rules are required in this regard. Multi-mode and multi-band equipment will only be viable if offered at competitive costs.

Cross-Band Repeaters are only an option in those instances where coverage is concurrent. The emphasis placed on spectrum efficiency and reuse of frequencies minimizes the potential for effective widespread use of cross band repeaters, which may require expanding areas of coverage merely to accomplish interoperability. A further disadvantage is the requirement to use at least two channels

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for a single exchange of information.

The Chapter agrees with the Commission's tentative conclusion in Paragraph 39., that establishing new universal mutual aid channels could be an effective first step.

The assumption that 10 simplex and 10 repeater pairs in a single band are the appropriate number is difficult to support. The priorities designated in this paragraph are actually taken from the CLEMARS plan in California, which was first proposed by this Chapter. This plan continues to work very well but is severely limited by an insufficient number of channels. If the Commission attempts to designate even as few as 10 channels for simplex and 10 repeater pairs in any existing band, it would result in a major disruption to existing systems throughout the nation. New spectrum, compatible with existing spectrum is urgently needed for this purpose. When identified and made available, an appropriate number of channels should be designated for mutual aid purposes.

Paragraphs 41 and 42. request comments on a common communications mode and frequency band and requirements for type acceptance. The Chapter opposes any attempt by the Commission to mandate modes and bands. The failure of such mandates is clearly illustrated by an earlier attempt in the Emergency Medical UHF allotments to require all equipment to have a minimum of four channels. Although well intentioned, it led to higher costs and wasted funds in many areas where such an arrangement was never required or used. Ideally, the

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Commission should provide the spectrum with flexible rules, and user demand will ensure that manufacturers provide the appropriate equipment. This statement does not imply that the Chapter opposes designation of specific channels, particularly in new spectrum, for mutual aid purposes, rather it endorses such a proposal.

B. Operational Issues

Northern California is an excellent example of the diverse use of frequencies and types of systems. The terrain ranges from 300 feet below sea level to fourteen thousand plus above. Public safety systems range in size from a base and two or three mobiles to large county-wide trunked systems with several thousand units. Every available public safety channel is used, from low band VHF to 800 MHz. The 800 MHz NPSPAC channels are exhausted in the San Francisco and Sacramento areas and only remain in the rural counties.

In general, each system is designed to fulfill a particular unique need. There is no single frequency band, nor system design, which is the best for all requirements. The statement in the Docket that VHF low band continues to be extensively used by certain public safety agencies, such as state highway patrols is correct. In most instances this is due to the lack of more suitable frequencies. Although there is some propagation advantage for wide area use, this is generally more than offset by the disadvantages of a higher noise level, skip interference and antenna requirements. This is particularly true in regard to hand held units.

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Further, the popular and effective use of the mobile relay mode of operation is very difficult in low band VHF, due both to lack of suitable frequencies and technical problems. Major manufacturers are rapidly discontinuing production of many models, particularly infrastructure, and research and development has ceased, due to low user demand.

For the listed reasons, the Chapter encourages the Commission to make additional spectrum available. Ideally, this spectrum would be above 150 MHz and below 800 MHz, as spectrum in this range has proven to be the most desirable for public safety land mobile use.

1. Service Features

The Commission correctly identifies the service features which are presently available to some degree to public safety. The rapid advances in technology can be expected to produce even more features. Public safety services must have access to all of these features. They will be implemented at different rates, due in particular to availability of funding and adequate spectrum. The need exists today, and will increase dramatically with the growing demands placed on all public safety services.

In most instances, new systems, operating in new spectrum will be required. A prime example of how features are adopted by public safety is the rapidly growing use of mobile data terminals. This was in the experimental stage 15 years ago, and today virtually all major metropolitan areas and many urban and rural areas place great dependence upon these

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systems. And, for the most part, they are being built on new 800 MHz channels, as this has been the only possible place to accommodate this use. As stated, this spectrum, as well as all other, is saturated in Northern California and many other areas. New, additional, spectrum must be provided to enable these highly desirable features to be employed.

2. System Requirements

The statements of the Commission in regard to need and facets of the requirements, indicate a knowledge and awareness of the problems facing the public safety community today. The questions posed in regard to these requirements are complex. The needs of various types of public safety agencies preclude a simple answer. In general, there is a need for every single feature listed. Certainly, coverage, capacity, and reliability are the key factors in every public safety system. There can be no compromise on any of these key issues. Today, channel capacity is often exceeded due to the lack of spectrum. Coverage may be inadequate due to restrictions placed on system design and power in the effort to reuse channels. Even reliability is threatened, by lack of sufficient funding for replacement equipment and by the necessity to maintain old equipment on existing channels, due to lack of other spectrum.

The Chapter believes that the statements regarding the use of traditional radio systems is misstated. The continued expansion of traditional radio systems has, in general, been based on user requirements. In many instances there is no

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need for network interface in some of the systems classified as "public safety". Systems designed for public works, and similar type operations, while vital to the overall need of public safety, may not require many of the advanced service features that police, fire and emergency medical feel essential. Small, stand alone systems will still have their place and continue to provide effective service.

It is unfair to place the blame for spectrum crowding on these smaller systems. Often time the ability to reuse channels by keeping coverage to a minimum is as effective, if not more so, than some of the integrated systems where it may be necessary to extend the coverage of several channels in order to accommodate a smaller agency outside the primary coverage area of larger entities. There is no single technique nor type of system that best fits all needs. Systems must be tailored to fit a variety of needs, and there will always be a need for small simplex systems, just as there will be a need for large trunked systems.

The concept of "joint networks" is applicable to many, but not all services and public safety agencies. Conversely, the cost of such systems and the resultant higher cost of subscriber equipment may exceed that for a simple system which fill the need of the user. For example, a system to serve a detention complex, complete with lossy transmission line, is far better designed as a low power internal mobile relay system, rather than an integrated part of a large wide area system.

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While on the surface, a multi-site wide area system may appear to be the answer to all problems it neglects the important factors of cost, desire to remain autonomous, and the requirement for unneeded features in certain subscriber units. And, as stated above, it may result in extending coverage of a number of channels into areas where they are not needed simply to accommodate a few users. This does not result in spectrum efficiency, as it reduces the potential for reusing the frequencies in other areas. A further trade off which must be noted is that each time the number of talk groups is increased system activity increases, which exacerbates the problem.

By these statements, the Chapter does not want to give the impression that it opposes trunked systems, consolidation or integration into networks. Rather, the intent is to point out that there is no simple solution to a complex problem, and each application requires careful planning and flexibility in design and frequency assignment.

The Docket requests commentors to discuss the requirement for public safety licensees to utilize system gateways. As previously stated in these Comments, the Chapter opposes mandates. User needs, and user perception of these needs, will provide the best solution, provided the Commission grants public safety the necessary spectrum and flexible rules for administration.

Technology Issues

As previously indicated in these comments, the Chapter

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believes that there is a potential for effective use of a number of various technologies. Each listed technology has advantages and short comings. No single mode is best for all applications. The statements in the Docket seem to over simplify, and in some instances assume an efficiency advantage which is subject to debate.

Paragraph 59. For example, the TDMA technology theoretically increases the number of communications channels in a given spectrum into six time slots in the SMRS licensees. In actual practice this has proven unusable, and currently three time slots are the general mode of operation. Further, TDMA fits a specialized need where a single applicant requires the need for the multiple time slots, but does nothing for the multiple users that could benefit from an FDMA approach.

Paragraph 60. CDMA, spread spectrum requires a broad band of usable channels to be effective. In the present allocations, there is no such availability. Perhaps in new allocations this could be possible, but until such spectrum is made available to public safety, the CDMA approach appears to be unacceptable.

Paragraph 62. Narrowband technology may offer some opportunities. It is however, based on AM, and does not have the advantage of some of the assets of digital communications. The trial efforts in the 220 MHz band are being watched by the Chapter, and some tests have been conducted. At this moment, there appears to be no compelling

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reason to opt for this technology as the desired approach to the future, but the Chapter continues to keep an open mind.

Paragraph 61. Thus, by the process of elimination, FDMA seems to be the single technology which offers the solution which will prove to be of the most benefit to public safety in general. This technology will support both analog, the mode of the present, and digital, the mode of the future. It will serve the needs of both the small user and the large user. It will permit reuse of channels by multiple agencies, and ensure that any single agency will not have more channels than it needs. As technology advances, so will spectrum efficiency. The Federal Government has already opted to reduce the 25 kHz channels to 12.5 kHz. APCO Project 25 supports this, as does APCO International in their Comments on refarming and in their PSWAC input. The migration to 6.25 kHz channelization appears to be a reasonable approach for future spectrum efficiency. It is the subject of Project 25, Phase II and the Chapter enthusiastically endorses this concept.

Phased antenna designs are also discussed. APCO International, and the Local Frequency Advisors have for many years attempted to influence applicants to design systems which will be restricted to providing adequate coverage to their political jurisdiction of responsibility, while at the same time minimizing excess signals in outside areas. This process, involving both power limitations and antenna design, will continue, and should be supported by appropriate

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Commission rules.

A further issue discussed is that of trunking. The Northern California Chapter of APCO is well aware of the advantage of trunked systems where such technology is applicable. Several major trunked systems have been built and others are in the process of being constructed in this geographical area. However, the 2.7 assumed advantage cited, is inappropriate. The advantage to trunked systems is based on a number of factors, including, but not limited to:

1. Number of channels in the system. (The advantage increases as the number of channels increase, not necessarily in a linear progression.
2. Multiple agency use of channels. For example, combining agencies, such as public works, normally 8 to 5 and off on week ends operation, with police and fire, whose activity peaks in these off hours, results in much higher efficiency.
3. In wide area systems, where trunking is combined with simulcast, a decrease in spectrum efficiency may result. If all trunked channels are simulcast from every individual site, there will be outlying areas where channel reuse by others is inhibited by licensing an excessive number of channels to serve a few field units.
4. Once again, the Chapter supports the concept of trunking and strongly encourages the Commission to permit trunking on all portions of the spectrum. However, as previously stated, trunking must be considered as a tool and used

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where it fits, not in every instance. There should be no mandates. Conversely, just as in the 800 MHz band, it might be advantageous to encourage trunking by setting aside portion of new allocated spectrum for trunking.

Paragraph 66. The Commission once again requests mandates for a specific technology. APCO Project 25 was developed to ensure the best possible migration to and use of digital technology. As a part of this Project, FDMA was determined to be the most appropriate access method. The Chapter, while enthusiastically supporting Project 25, believes that there should be no specific mandates.
Interoperability.

This is the single most desirable characteristic for public safety systems. Certainly, there should be great emphasis placed on the ability to interoperate with both new equipment and older equipment. There is a delicate, but precise line which must be drawn between mandating a single mode for interoperability and stifling the migration to new and improved technologies and spectrum efficient band widths. The Chapter encourages the Commission to give this matter careful consideration before making final determination.

User demands will ensure that manufacturers provide this capability. Except for designating an appropriate number of channels for mutual aid, the Commission should avoid mandates.

Paragraph 68. The Docket further requests comments on technical standards for both receivers and transmitters. The

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Commission has studiously avoided type acceptance for receivers, such as coded squelch. Instead, they have relied upon the user to provide their own degree of protection from unwanted signals. If refarming is to be successful, and true spectrum efficiency is to be realized in both existing and new spectrum, the Chapter believes that some degree of Commission requirements for receiver standards must be adopted, with date certain deadlines. This would actually result in an advantage to the user by providing them with the opportunity to procure type accepted equipment which would maximize their protection from interfering signals, both short and long term. This type of information becomes essential as greater reliance is placed on computerized engineering programs to assist in frequency management.

D. Spectrum Allocation

The Chapter concurs in the Commissions analysis that the spectrum allocated to public safety is highly fragmented. This is due in major part to the failure of the Commission to recognize the long term requirements of public safety and to provide sufficient spectrum for their use. In all fairness, it is also due to the evolution of technology which results in the effective use of spectrum for land mobile which is ever increasingly higher in frequency. Allocations have been made, and systems developed accordingly. Notwithstanding, the main factor causing this fragmentation has been competition for use of the spectrum. Even today, the Communications Commission is torn between the political

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pressures to auction spectrum, to provide spectrum for digital television and to accommodate the many new requirements for spectrum for satellite, SMRS, PCS and other emerging technologies. The loser in this struggle appears to be public safety, and in spite of a recognized and mandated right to adequate spectrum, the lack of funding to compete in a program to lobby and present their case has resulted in major portions of highly desirable spectrum being allocated for other uses.

Obviously, the ultimate solution would be large blocks of spectrum, in a usable range, allocated for public safety use with sufficient funds provided for conversion. This appears to be unrealistic, and the Chapter sincerely hopes the PSWAC effort and the Comments submitted by concerned agencies in this instant Docket will somehow result in the allocation of additional spectrum and a change in procedures which will provide, at least a portion, of the needed relief. While the Commission continues to place increasing emphasis on the efficient use of the spectrum by land mobile, it proceeds to grant huge blocks of spectrum, with unchanged parameters and excessive demands for bandwidth, to the television industry and the broadcast industry. Channel widths for these services have remained constant since their inception. There appears to be no recognition of the alternative means of reception for these purposes which is provided by cable and satellite, and the policy of granting major blocks of spectrum continues.

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The Chapter respectfully requests the Commission to attempt to place all this in perspective, and in spite of political and lobbying efforts, to follow the mandates of the Communications Act and of Congress, and support the priorities of public safety in the allocation of spectrum.

The Chapter concurs with, and endorses the PSWAC Final Report in the identification of, and the request for, additional spectrum for public safety.

Paragraph 86. The Docket requests comments on the use of commercial wireless services. This will be expanded upon later in these Comments.

Transition

There are several issues raised in this regard. The Chapter offers the following comments.

1. Increased Use of Commercial Services

The Chapter supports the use of Commercial Services where available, and where cost effective and reliable. Virtually all public safety agencies make use of such services. However, there should be no misunderstanding of the difference between services which are provided by a governmental entity for their own use, and one which is rented, leased or purchased from an entity whose major reason for existence is to make a profit. Systems which are designed primarily for the protection of life and property must be reliable, given first priority for this stated use, and be designed to provide service to the specific required area, including building penetration. Most commercial

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services do not satisfy all of these requirements. Even those which do may not be able to offer them for a price which matches those which are owned and operated by a governmental entity.

For example, many, if not most governmental agencies make use of a commercial paging system. In virtually all instances the delay and lack of priority make such systems unsuited for emergency alerting, which is vitally necessary for emergency response teams of several public safety disciplines. The same holds true for interconnection with the public switched telephone network. However, commercial cellular telephone often is more suitable and cost effective for non-emergency public safety use. Further, it does not use public safety radio channels which are so often overloaded and unavailable. Many public safety agencies are making effective use of cellular radio and this pattern is expected to expand. However, it should never be considered as a viable alternate for a public safety command and control or dispatch radio system.

A further consideration is that in times of emergency the commercial services often become blocked. Several disasters in Northern California have proven this to be true. There appears to be no viable way for assigning priority to public safety users to ensure they will have use of the system during these critical periods.

Additionally, there is no assurance that public safety agencies will not be displaced at the will of the users.

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There are at least two current instances in Northern California where public safety agencies using SMRS commercial radios were given a 30 day notice of termination of service. The alternative was to change out all existing radios for a new type, which was impossible due to lack of funding.

Substitution of commercial services for vital public safety use is an unacceptable solution to relieving the critical frequency shortage. Use of commercial services will take place when they prove to be cost effective without sacrificing any of the features listed above. They should never be considered as a total, or even a major replacement for existing and proposed dedicated public safety systems. Spectrum requirements should not be based on the potential substitution of commercial for privately owned systems.

2. Funding for Spectrum Migration

The Docket correctly lists the difficulty of migrating to new channels due to lack of funding. Unfortunately any effort to move public safety from present allocations to new spectrum appears to have little to offer in the way of underwriting costs. The first difficulty is the lack of suitable spectrum to which public safety can be moved. The second, is the time frame required in the event such spectrum can be found. And last, but certainly not least, is whether any new spectrum will be of more value to public safety than their present spectrum. Until some indication of the amount and portion of the spectrum to which public safety would be either forced or encouraged to migrate is known, there is no

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possible means of determining if there is any potential for meaningful reimbursement for "vacated" spectrum.

3. Improving Public Safety Administration

The Chapter is concerned with the proposal to drastically change the present method of frequency coordination and licensing. The old adage of "if it isn't broken, don't fix it" appears to apply. Although there are significant delays in the present policy, overall it has proven to be a highly effective way of managing the overcrowded public safety spectrum. APCO has consistently requested that more weight be given to the frequency coordinator's recommendations. APCO has established a policy of utilizing Local Advisors which provide the best possible method of managing public safety assignments in any given area. These Local Advisors are persons with both engineering knowledge and knowledge of the terrain and propagation paths in the area they represent. This is particularly necessary in Northern California, where as previously cited, elevations rise from 300 feet below sea level to over 14,000 feet above. Extremes in temperature cause severe ducting problems which add to the complexity of frequency assignment. In regard to geographic separation, distance is often less meaningful than paths created by the use of high elevation sites, or conversely blocked by mountain ranges. This existing methodology of frequency coordination must be left intact.

Of further concern is the implied desire of the Commission to pass a significant portion of their duties on

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to a third party. Public safety has enjoyed the services of the Commission which have been provided without charge. Regardless of who would perform the necessary services of maintaining a data base and involved record keeping, it would necessitate a charge to the recipient. The cost to public safety agencies for acquiring a license would sharply increase.

And finally, the emphasis placed on speed in the licensing process is overstated in the case of public safety. Virtually all public safety entities have a very considerable lag in funding cycles, which can be used to secure licensing well before equipment can be purchased and installed. The quality of coordination to ensure a clear and effective channel is far more important than the speed of acquisition. In those instances where emergencies arise, temporary licensing can be expedited.

The Chapter respectfully requests that the only changes to the process be those that the Commission will undertake to speed up and simplify their service and to vest as much responsibility in the frequency coordinators as possible. A process whereby a temporary license, or permission to operate is automatically granted when the coordinator forwards the application to the Commission would resolve any problems associated with delay resulting from involved action by the Commission. Such a procedure would not undermine Commission authority nor result in increased potential for interference.

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F. Competition in the Supply of Goods and Services

The Chapter disagrees with the statements of the Commission that deficiencies in today's public safety communications is the lack of a vigorous competitive market. Competition in the present analog market is very high, with a number of companies striving to offer low cost units and systems. This has led to excellent developments in technology and to the opportunity to purchase high quality equipment from many sources at competitive prices.

The fact that a few major companies have acquired a major portion of the business in this country is due to their individual efforts to produce and market good equipment at fair prices.

When it comes to the transition to digital technology extra steps are necessary to ensure the continuation of competition. APCO Project 25 was created for this express purpose. The Docket correctly states the goals of this Project. While perhaps it has not moved as rapidly as desired, due to the complexity of the issue, Phase I has been completed and compliant equipment is being produced by several companies.

The Docket appears to be overly concerned with the objections raised by Ericsson regarding this Project. These objections should be recognized for what they are - an effort by one company to discredit a process which they did not choose to adopt. In fact, without Project 25 there is a high probability that competition would exist only on the original

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purchase, and just as is the case in today's trunking systems, they would become proprietary. Ericsson, in its effort to discredit Project 25, does not mention that their chosen technology is still proprietary, while that of Project 25 has as it's cornerstone the exchange of IPRs at a fair market value. There has been a resultant interest and involvement by several qualified companies.

The Chapter has members who have been very active in the Project 25 process and it strongly supports this effort. It respectfully requests the Commission to recognize the value of the Project and the fact that it will indeed promote competition, multi-source procurement and ensure interoperability. Above all it must be recognized that this Project is driven by the users. It has been developed with user needs as the main focus, input provided by the users themselves, and not by any particular manufacturer.

CONCLUSION

The Chapter commends the Commission for its interest and for their proactive stance in this Docket and in the PSWAC proceeding. It respectfully requests the Commission to give consideration and appropriate weight to these Comments, and to those which will be received from the entire public safety community. These are the persons responsible for protecting the life and property of the citizens, and their goal is to accomplish this through the best possible means.

This will require the Commission to provide sufficient spectrum for public safety use and to actively fulfill their

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obligation to administer the use of this spectrum through appropriate rules and regulations.

The voice of public safety, as expressed by this Chapter for the Northern California area, is indicative of the interest and concern of a dedicated group of public safety providers. They have no commercial interests, only the desire to secure the support of the Commission in providing adequate spectrum and to develop appropriate rules to govern its use by public safety. This is an absolute necessity for these services and agencies to be able to fulfill their responsibility to the public.

ADDITIONAL COMMENTS ON NON-ACCREDITED STANDARD SETTING
ORGANIZATIONS THAT DEVELOP STANDARDS FOR PUBLIC SAFETY
WIRELESS COMMUNICATIONS EQUIPMENT

This subsequent request for comments is of similar concern as the issues discussed in the preceding portion of these Comments.

The Chapter agrees with the expressed opinion of the Commission that the language and intent of Section 273 (d)(4) of the Communications Act of 1934 does not apply to non-accredited standard setting organizations. It appears that Project 25 may be the target of this inquiry. The Commission is certainly aware that this is a user driven process, developed by user organizations. As such, it appears to be

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outside of the FCC scope of action. To date, there has been no effort to have any of these standards accepted nor approved by the Commission. This does not preclude the potential that such action might be advisable in the future.

There is a fine line between standards developed by the users to ensure their needs will be met, those developed by the manufacturers to serve their corporate interests, and those which may be developed, even though under the name of Rules and Regulations, by the FCC.

The Chapter strongly supports the role of the FCC in developing and enforcing rules and regulations for the most effective use of the spectrum. The process by which they are developed is open, with provision for input from all concerned. APCO Project 25, even though non-accredited, has followed a similar open process. Input has been solicited, and provided from any and all users, manufacturers, the Federal government, and the Federal Communications Commission. This has been a slow, but productive process, with the exception of a single manufacturer. This company has opted for a different technology, and has consistently attempted to delay and discredit the work of the other participants. This must be recognized and kept in perspective. They are actions motivated by concerns for corporate profit, and do not necessarily have the support of the public safety user community. The Chapter recognizes the right of any manufacturer to promote their own product, but also believes that a standard which will result in